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ABSTRACT

This paper focuses on the political nature of the present busing controversy. It is felt that the proposed moratorium on busing threatens gains which have been made in previous years through institutional and judicial enforcement of the Civil Rights Act in providing equal educational opportunities to all children. The advantages and disadvantages of busing are discussed, with particular attention being paid to how the busing issue is dealt with in several states across the nation. In addition, an appendix includes charts on: (1) busing costs for the years 1953-1968; (2) pupil transportation by region; and, (3) cost of student transportation in individual school districts where desegregation occurred. (Author/SB)

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IT'S NOT THE DISTANCE, "IT'S THE NIGGERS."

Comments on the Controversy Over School Busing

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CHAPTER I

I N T R O D U C T I O N

American children arrive at school via every conceivable mode of transportation, including horses, snowmobiles, boats and airplanes. Assuring their arrival on time and safely every day is big business. A vast transportation system coordinates the efforts of citizens of all racial and economic groups: trustees, administrators, patrons and children of public, private and parochial schools, Indian families on reservations, professionals who design the often-computerized travel routes, manufacturers, the suppliers and mechanics who keep the vehicles running, the safety experts, the 275,000 drivers.[1/]

The school bus has now become the business of judges and politicians. Because judges have declared that the bus is one among many tools necessary to eliminate racially and illegally segregated schools, politicians are clamoring for the curtailment of the power of the judiciary. A serious constitutional crisis

has been precipitated. The Legal Defense Fund is deeply concerned about this attack, for it undermines the confidence in the judiciary which is vital to the effective functioning of our constitutional system. Having represented black plaintiffs for over 30 years in most of the nation's school desegregation cases, LDF lawyers know, perhaps better than any other group of private citizens, that Federal judges are extremely reluctant to impose harsh and unreasonable remedies even for clearly unconstitutional actions.

The proposed moratorium on busing threatens gains which have been made in the long and painful struggle to fulfill the constitutional rights of children to equal educational opportunities. The reopening of school cases would create pandemonium across the land and undercut the work of those courageous school officials who have provided professional leadership during the transition to unitary school systems. These proposals, which would curtail only one kind of busing - busing to desegregate schools - and not any other kind of pupil transportation, barely camouflage their racist motivation. They signal the reversal of the momentum of equal justice which during the 60's ended a century of Congressional silence on the legal rights of the nation's racial minorities.

The politicizing of the busing issue during an election year is not a mark of leadership. It has polarized our people

It has diverted attention from the urgent need to eradicate racism. "Instead of cursing the disease (segregation)," as Father Hesburgh has aptly stated, "we curse the medicine, we curse the doctors."[2/] Emotions have been aroused. Wild, unsubstantiated charges about judges and about busing have been made. They must be answered. It is not the school bus which is in trouble. What is at stake is our sanity as a people, the independence and integrity of our courts, the fulfillment of our commitment to equal justice.

* * * *

Our findings demonstrate that the current sentiments about busing and courts used to justify opposition to further school desegregation are popularized myths.

* Federal courts have not exceeded Supreme Court rulings and have not ordered "massive" or "reckless" busing in order to implement desegregation plans.

* Increases in busing in some cities have occurred, but these increases are not always enormous and sometimes they are due to factors other than desegregation.

* Busing is not harmful to children. In fact, school authorities utilize busing to protect young children.

* Transportation for various school purposes is used to improve the educational program, not to undermine it.

* The cost of school busing is minor. It does not deplete resources for better schools.

* * * *

Ever since Massachusetts enacted the nation's first pupil transportation law in 1869, American children have been transported to school under arrangements which have been regulated and subsidized by state authorities. The early horse-drawn vehicles and the ubiquitous yellow school bus have been symbols of communities that care for their children. The two major concerns which have motivated the steady increase in pupil transportation in the last century have been America's unwillingness to limit a child's educational opportunities to those available within walking distance from his home and a concern for his physical safety.

That the school bus is an established institution in American education which has received tremendous public support is evident from the following statistics:

* 43.5% of the total public school enrollment or 18,975,939 pupils are transported to school daily, according to HEW statistics.[3]

* There has been a steady increase in pupil transportation, with annual increases in the last decade of from .5% to 2.5%. The decades with the largest percentage gains were: 11.4% from 1939-40 to 1949-50[4]
  9.9% from 1949-50 to 1959-60

* American taxpayers have been willing to

invest significant funds in busing. The National Highway Traffic Safety Administration reports that the total cost including capital outlay for pupil transportation for 1971-72 is $1.7 billion.[5]

* 256,000 buses are now traveling 2.2 billion miles.[6]

Busing has been motivated not only by a commitment to further educational, social and humanitarian objectives, but by school administrators' concern for more efficient utilization of facilities. The major increases in busing have accompanied the moves to provide greater educational opportunities by consolidating rural schools. Urban school districts are increasingly busing children threatened by traffic hazards, a service which must usually be provided from local funds because the miles involved do not meet state requirements for reimbursement. Most states provide for the transportation of handicapped children.

The bus has made it possible for urban school districts to relieve overcrowded conditions, to use space wherever it is available in the community, to prevent double sessions and to reduce class size. The ERIC study reports the St. Louis experience where "busing was used as an alternative to having double-sessions, which would have set one set of children free in the morning and another set in the afternoon. For those transported, the benefits of the program were obvious, but they were not the only beneficiaries. As a report to the Superintendent of St. Louis Schools

emphasized, 'reduction of class size, through bus transportation and other expediences...made it possible for nontransported as well as transported children residing in the districts of these seriously overcrowded schools to suffer minimal education loss.' "[7]

Busing has made it possible for school districts to avoid expensive new school construction and not just because current available facilities can be used more efficiently. A school official in Lynchburg stated candidly that the only alternative to busing in his district would be the building of new schools in the ghetto - a capital outlay requiring bond issues which he felt the taxpayers probably would not approve.[8]

The desire of local school authorities to use the school bus as a vehicle for enriching the educational program, particularly of disadvantaged children, can be seen in their use of ESEA Title I funds for this purpose. In 1967-68, $18 million of Title I money was used nationally for transportation. Sixty percent of the Title I districts in California and 75% in Massachusetts had transportation components.[9]

Now that the school bus is the center of public controversy, it is most unfortunate that there is no longer any public or private agency which annually collects and reports statistics on pupil transportation in the U.S. The most current national figures available are for the 1969-70 school year. These were

reported by the National Association of State Directors of Pupil Transportation Services, an informal group which has no budget, office or staff. The U.S. Office of Education collects some limited information on pupil transportation as part of its larger biennial survey of educational statistics, but this information is out of date at the time it is published.

There never has been a national source of data on pupil transportation by race. Nor are any statistics available nationally on the numbers of students bused or the number of miles school buses travel to further various educational objectives, i.e., more efficient use of facilities, vocational education, summer school, field trips and special educational programs.

The current discussion suffers from a lack of uniform, objective, factual information. In order to collect some information from school districts in which desegregation orders have been implemented in this school year, Legal Defense Fund staff members interviewed local school officials in fifteen districts which implemented busing plans this year. Four state departments of education were visited to gather state-wide information on pupil transportation. In addition, national data and information were collected from the Office of Education and the Office for Civil Rights in HEW, from the Department of Transportation, the National Safety Council, the National Education Association, the National Association of State Directors of Pupil Transportation

Services, and the U.S. Commission on Civil Rights. Besides court records, school budgets and monthly transportation reports were examined.

We trust that our findings from this survey, done between March 27 and April 17, 1972, will help put busing into its proper perspective and thus contribute to a rational discussion of its role in fulfilling the constitutional rights of black and brown children to equal educational opportunities. The quotes which begin the following chapters are from President Nixon's Message to Congress on March 17, 1972, the proposed Student Transportation Moratorium Act of 1972, and the proposed Equal Educational Opportunities Act of 1972, which were submitted by the White House to Congress.

CHAPTER II

"Many lower court decisions
have gone far beyond...
what the Supreme Court said
is necessary....

"Reckless extension of bus-
ing requirements....

"Some of the Federal courts
have lately tended toward
extreme remedies...."

1. The President's reference is somewhat difficult to identify, since the Supreme Court said in Swann and Davis (Mobile) that an adequate desegregation plan would have to achieve "the greatest possible degree of actual desegregation consistent with the practicalities of the situation," and that in measuring the performance of proposed plans against this goal, there was a presumption against schools all or virtually all of one race. It is apparent from a study of district court orders in school desegregation cases issued after Swann that most lower court judges have made a conscientious effort to apply these principles to the systems before them by being willing to consider desegregation plans requiring proportionately similar amounts of busing as were approved for Charlotte. (Chief Justice Burger's opinion denying a stay in the Winston-Salem case last summer urged caution in making such comparisons, but the Court eventually declined to review Winston-Salem on the merits, without any dissent.)

The immediate impact of Swann was that district judges insisted upon the incorporation into plans of techniques such as non-contiguous zoning and pairing, which many had refused to require prior to the Supreme Court's ruling. However, many courts rejected unusually long bus rides by applying the Swann standards. In Jacksonville, Fla., the court declined to order busing to the North Beach schools in the system, finding that the trip would take one-and-one-half hours each way. And in Nashville, Tenn., the court accepted an HEW-drawn plan which the government's experts said was deliberately designed not to desegregate some schools in outlying Davidson County areas because of the length of the bus rides.

2. It is undoubtedly the concern about metropolitan remedies to school segregation which the President refers to in his comment on "extreme remedies." U.S. District Court Judge Merhige ordered the consolidation of the Richmond, Va., city schools with the school districts of the surrounding counties of Henrico and Chesterfield. The Court found that to accomplish the consolidation, 78,000 of the 104,000 students in the new system would have to be transported, about 10,000 more than those in the three jurisdictions who are now bused. The Court further found that no additional buses would be necessary and that busing times and distances would not exceed those already required of the students

in those counties for many years.[10]

3. In defense of district judges, one must point out that some comprehensive school integration plans have been initiated by local school boards and have not been compelled by district courts under a mandate from Swann. The Winston-Salem-Forsyth County case was on appeal at the time of the Swann decision. The Fourth Circuit Court of Appeals remanded the case to the district judge who ordered the school board to prepare a plan which he subsequently approved and which is currently in effect. The board subsequently objected to its own plan and has sought to amend it.

The Columbus-Muscogee County, Ga., school board developed on its own initiative a comprehensive and complicated racial balance plan under which much of the busing is done by the children of military personnel in the area. The court approved it and the black plaintiffs were pleased to support a plan which had been locally initiated.

Federal District Judge James B. McMillan entered a finding in the Swann case in October, 1971 that the "feeder plan" which the Charlotte-Mecklenburg school board had adopted would require the transportation of 46,667 students, while the "Finger plan", which the school board rejected after it had been approved by the U.S. Supreme Court, called for transporting 39,080.[11]

CHAPTER III

"Some (court orders) have required that pupils be bused long distances, at great inconvenience...."

1. Our investigations do not support the conclusion that large numbers of children are being bused long distances to implement desegregation plans. There are individual instances of long rides, but we suspect that these are far fewer than when schools were segregated. Speaking in Congress on February 28, 1970, Senator Walter Mondale mentioned counties in Georgia and Mississippi which bused black children 75 miles and 90 miles respectively to all-black schools.[12/]

Judicial notice has been taken of the length of bus rides prior to desegregation. Judge McMillan observed that an analysis of principals' reports filed in Swann v. Charlotte-Mecklenburg had revealed that:

> "The average one way bus trip is one hour and fourteen minutes;
>
> "80% of the buses require more than one hour for a one way trip;
>
> "75% of the buses make two or more trips each day....[13/]

The Honorable Stephen Horn, vice-chairman of the United States Commission on Civil Rights, testified recently before Congress:

> ...before the Charlotte-Mecklenburg decision, pupils averaged over an hour on the bus. When the desegregation plan was carried out, however, bus trips were cut to a maximum of 35 minutes. Similarly, the Richmond decision would call for average bus rides of about 30 minutes, which is less than the current average in an adjacent district involved in the decision. Where pupils are bused for the first time, trips are rarely long. The average travel time reported seems to be 20-30 minutes. Trips of an hour or more would be out of the ordinary. A trip of a half hour or so would not bring the pupil home much later than if he walked from a neighborhood school.14/

2. In recent testimony before a Congressional committee, Elliot Richardson, Secretary of the Department of Health, Education and Welfare, referred to an 80-minute, one-way bus trip in Winston-Salem, N.C. Prior to the recent court order, there were at least five bus trips which were 80 minutes or over, one of which was 120 minutes long. Three out of the five schools involved were overwhelmingly white and had hardly felt the impact of integration.15/ It is difficult to evaluate how much children are inconvenienced by these long trips because the mileage reports do not show how long each child is actually riding. The mileage begins when the bus leaves the driver's home and ends when he parks his bus. Children riding varying periods of time have boarded and left the bus in the meantime.

3. A long bus ride or an inconveniently early departure time from home does not necessarily reflect a long distance. Sometimes children must leave home early or travel circuitous

routes because local authorities refuse to provide enough buses. When it was clear that the court-ordered integration plan for metropolitan Nashville-Davidson County, Tenn. would increase the number of bused students from 34,000 to 49,000, Superintendent Elbert Brooks sought funds from the Metropolitan Council for the purchase of buses. The Council refused to appropriate these funds, so the district had to rely on its existing fleet supplemented only by 18 new buses which had been bought prior to the desegregation order.[16] According to school officials interviewed by a Tennessee reporter, the shortage of buses has resulted in inconvenience and hardships for students:

> ...with buses having to run more than one route, many children must stand in the dark to catch buses near their homes in the morning, while others who go to school later get home after dark.... Some children ride up to 14 miles in the morning and afternoon, spending up to an hour on the vehicles twice a day.[17]

4. We are indeed concerned about the inconveniences which children experience, especially when black pupils are expected to carry a disproportionately heavy share of the busing. In Pinellas County, Fla., 6.4% of the white students are bused because of the desegregation order in comparison to 75.2% of the black children.[18] (Sixteen percent of the student population is black.) An official in Hillsborough County, Fla., reports that of the elementary pupils transported because of the court order, 8,576 are black and 5,404

are white.[19/] Seventy-five percent of the bused students in Jackson, Miss., are black.[20/] Furthermore, black children are often bused at an earlier age. When schools are paired or clustered, it is not unusual for the plan to require black pupils to leave their neighborhoods for the early elementary grades. The formerly all-black schools receive the older elementary children, or may become sixth-grade centers or junior highs for both races - an arrangement which requires black children to travel in the earliest years.

5. It is the lack of transportation which is often the hardship. Local and Federal officials who refuse to provide transportation to pupils who must travel long distances to school and archaic state laws which discriminate against cities in their transportation reimbursements are responsible for inconveniences to children. Hattiesburg, Miss. and Texarkana, Ark. have plans which require junior high pupils to travel long distances at their own expense. Some states do not provide reimbursement for busing within cities. (See the discussion of Sparrow v. Gill in Chapter IV.)

The lack of transportation in Norfolk, Va. is a real hardship to students who must pay $63 a year to ride city buses to school because the district does not operate its own transportation system. Several hundred students from poor families in Norfolk

are not in school this year because they do not have transportation.[21]

Most of the school districts mentioned in this report have sought Federal funds for transportation from the Emergency School Assistance Program (ESAP). Federal officials rejected the request from Greenville, Miss. for funds to purchase buses to transport 2,000 students who had been reassigned to elementary schools out of their neighborhoods.[22]

In 1970-71, Duval County, Fla. received a grant from ESAP of which over $100,000 was used for pupil transportation. The district applied for another grant for 1971-72 and requested several hundred thousand dollars for transportation. The total application was approved but not the use of the funds for busing. Accordingly, the school board put over $900,000 of the grant in escrow and filed suit in Federal court to compel Secretary Richardson to authorize the use of this money for transportation.[23]

CHAPTER IV

"Massive Busing"

1. We find no conclusive evidence that the aggregate amount of busing has increased nationally or regionally as a result of court-ordered integration. In the absence of data on pupil transportation by race which would reveal how many white and black children are being bused to what kinds of schools, it is impossible to state accurately the number or race of pupils who are being bused to racially segregated or integrated schools. The cry of "massive busing" for "forced integration" is completely irresponsible.

We agree with Donald E. Morrison in his testimony on behalf of the National Education Association before the House Committee on the Judiciary: "There is no statistical proof that desegregation has substantially increased pupil busing, either nationally or regionally."[24/]

2. HEW has estimated a 3% increase in busing as a result of integration.[25/] This figure represents the increase in the Southeastern states in overall pupil transportation between 1967-70 from 52.5% to 55.5%. Our investigation leads us to the conclusion that this is no more than normal growth. The Southeast has been subsidizing the transportation of more than 50% of its pupils since 1957, a larger proportion than any other region. Between

1965 (when HEW's Title VI civil rights enforcement program began) and 1970, there was a 4% increase in the numbers of pupils transported in the South. Yet at the same time the percentage of pupils increased at a more rapid rate in other parts of the nation where there were few court orders and limited enforcement activity.[26/]

Nationally	4.9%
North Atlantic	4.9%
Great Lakes	5.2%

3. The Department of Transportation[27/] estimates that the annual increase is attributable to the following causes:

Population growth	95%
Centralization	about 3%
Safety	less than 1%
Desegregation	less than 1%
Other	less than 1%

4. Urban school districts which have only bused minimally or not at all in the past experience a major upsurge when a comprehensive plan to eliminate the dual school system is implemented. Often, however, this does not bring the district up to the state average. All of the schools in Raleigh, N.C., were effectively desegregated in 1971-72 under a plan which contributed to the increase of bused students from 1,342 to 10,126, at least 5,000 of which were Sparrow students. Although the district is now

transporting 46.5% of its students, this is less than the North Carolina state average of 64.9%[28/]

In Norfolk, Va., where the desegregation order required most elementary students to travel outside their neighborhoods for the first time in 1971-72, approximately 39% of the district's enrollment is bused. Yet 63% of all public school students in Virginia are bused.[29/]

5. An increase in busing may result from factors which have nothing to do with integration:

a. There has been an increased use of busing to protect children from traffic hazards. In 1971-72, 66,115 students in Florida are bused at local expense because they do not meet the 2-mile state reimbursement requirement. This is a dramatic increase from 1968-69 when only 40,792 in this category were bused. Officials report that the main reason is safety, a concern about busy streets and hazardous walking conditions. The vast majority of these are elementary pupils.[30/]

b. Busing is increasing through commitments to transport younger children. School officials in Roanoke, Va. took advantage of their new

school buses to provide rides in hazardous areas for kindergarten children who ordinarily walk to school.[31] Beginning in 1973-74, Florida law will mandate state-supported kindergartens. All districts will be required to provide transportation.[32] Orange County, Fla. expects to bus 4,000 kindergarten pupils that first year.[33]

c. At the time of desegregation, some school districts use their newly acquired buses to further other objectives. Lynchburg, Va. is transporting students for the first time this year. The school system's 37 new buses not only get students to school, they are also used to provide field trips and to facilitate string music, choir practice and R.O.T.C. in high school.

d. The decision of a three-judge Federal Court in North Carolina in Sparrow v. Gill[34] has increased busing and complicates the effort to determine the impact of integration on busing. Prior to the 1970-71 school year, North Carolina law generally provided that

county children who lived more than a mile and a half from school would be provided school bus transportation paid for by the state. City children, however, living a mile and a half from school were not provided school bus transportation at state expense. City children were defined as those children who lived within the 1957 boundaries of a city. Therefore, those children who lived in areas of a city which had been annexed after 1957 and lived more than one and a half miles from school did receive bus transportation at state expense. Additionally, the law was interpreted to mean that if a school was located outside of the 1957 limits, then children living within the 1957 limits more than a mile and and half from the school were eligible for transportation. Thus, prior to the 1970-71 school year there was at least some school bus transportation provided for city children. Moreover, local boards of education were free to provide bus transportation at local expense

if they chose to do so. Greensboro, for instance, has for many years provided transportation for children living more than a mile and a half from school and has paid for it out of local funds.

A lawsuit was filed by white children and their parents in Winston-Salem challenging the inequity which existed where city children living more than a mile and a half from school did not receive bus transportation but county children living more than a mile and a half from school did. A three-judge Federal Court decided that classifying city children differently from county children in determining who was to receive bus transportation at public expense was constitutional. However, the Court determined that it was unconstitutional to treat children who lived in the areas of a city prior to 1957 differently from children who lived in areas of a city annexed after 1957.

The result of the Sparrow decision was that the State Board of Education required local

school boards to offer transportation to all city children or to none. If local districts decided to offer transportation to all city children living more than a mile and a half from school, then the state would provide the money for the increased transportation. This new policy went into effect for the 1970-71 school year. Almost all cities chose to increase their transportation to include city children. Raleigh was the notable exception. It began to transport Sparrow pupils in 1971-72.

The comparison of transportation data before and after desegregation is complicated by the effects of the Sparrow decision because desegregation was beginning to occur in North Carolina cities at the same time that state financed transportation was being offered for the first time for city students. All of the cities were surveyed by the State Department of Public Instruction prior to the 1970-71 school year to determine how many additional children would be riding school buses to be paid for by

the state. The survey revealed that an additional 54,000 students, requiring 549 buses, would become eligible throughout the state as a result of Sparrow. Included in this figure were 1,900 students (21 buses) in Asheville, 3,108 pupils (34 buses) in Winston-Salem-Forsyth County, 6,122 pupils (68 buses) in Charlotte-Mecklenburg, 2,281 students (25 buses) in Greensboro and 3,801 students (42 buses) in Raleigh.[35/]

Therefore, to calculate the extent of increased transportation occasioned by desegregation requirements, it is necessary to subtract the number of children bused in the year prior to desegregation from the number of children bused after desegregation and then subtract the number of additional city children who would have received transportation under the new state policy. The resulting figure should also be discounted further by such factors as normally expected growth, increases for special education, and pre-school education, etc.

6. Whether integration brings an overall increase in busing is difficult to assess. One might expect the implementation

of a busing plan to result in an increase in both the number of students bused and the mileage. Actually:

* Arlington, Va., buses 1,000 fewer pupils.[36/]
* Pinellas County, Fla., buses about the same number of students but the buses travel 3,200 more miles daily.[37/]
* Duval County, Fla., has increased the number of pupils bused but there has been a substantial decrease (11 miles or 20%) in the average number of miles per day per bus.[38/]
* Busing to desegregate in Alabama, according to the United States Commission on Civil Rights, has resulted in 1 million fewer passenger miles than the previous year under segregation.[39/]
* From 1965-66 to 1970-71, the number of pupils transported in Mississippi has decreased from 312,085 to 292,472.[40/]

CHAPTER V

> "Rather than require the spending of scarce resources on ever-longer bus rides..., we should... [put] those resources directly into education....
>
> "Implementation of desegregation plans will in many cases require local educational agencies to expend large amounts of funds for transportation equipment, which may be utilized only temporarily, ...thus diverting those funds from improvements in educational facilities and instruction which otherwise would be provided."

1. The cost argument against pupil transportation rests on the assumption that busing costs are so great that they seriously deplete funds for the regular educational program. But the facts do not support this assumption. The latest national figures available show that 3.7% of all educational expenditures in the United States were spent on pupil transportation of all kinds. This percentage has declined slightly since the 1953-54 school year, as the attached table on busing costs 1953-54 through 1967-68 shows. The chart on pupil transportation costs for individual school districts reveals that even with increased costs, pupil transportation remains a small percentage of all educational expenditures.

2. The broad allegations of the cost burden must also

reviewed against the fact that each state reimburses local school districts for both capital and operating costs. There are wide variations among states in their patterns of reimbursement, and there is no national average of state reimbursement of pupil transportation costs. In Florida in the 1970-71 school year, $11.2 million of the total transportation expenses of more than $23 million for all school districts were reimbursed by the state.[41/]

In North Carolina, the state pays a vast majority of all pupil transportation costs incurred by local school jurisdictions. For example, the state pays the cost of operating all school buses which transport students eligible for state reimbursement. It pays for replacing all school buses. If a local district chooses to contract with a private company, the state pays the company even if its charges are higher than the average level of state reimbursement. The main financial burden for local school districts is limited to (1) the initial purchase of the bus, (2) maintenance and upkeep of facilities, (3) some administrative costs, and (4) the cost of busing pupils who are not eligible for state reimbursement.[42/]

3. Cities which have never subsidized busing before desegregation claim a terrible financial burden when ordered to desegregate, yet sometimes the wild projections of costs have

been completely misleading. In the spring of 1971 shortly after the court ordered desegregation in Pinellas County, Fla., a local school official was quoted as saying that the order would require the busing of an additional 11,000 students. In fact, about 1,700 additional students were transported to comply with the court order. In Pinellas County, Fla., approximately 2,000 white children left the school system and the district ceased transporting 1,413 students who were ineligible for busing because they lived within walking distance of their school. Even if these 3,413 were transported in addition to the 1,700 who were bused for desegregation purposes, still less than half of the projected 11,000 students would have had to be transported.[43/]

The Raleigh, N.C. school district projected that in order to comply with its desegregation order, it would have to spend $980,956 from local funds for the 1971-72 school year. Of this amount, $828,000 was for 138 new buses and $26,500 was for drivers' salaries.[44/] The $26,500 represents a local supplement in excess of state reimbursement for drivers' salaries. In fact, the total local expenditures required to meet the court order were $643,054, and of that sum, about $444,993 represented the cost of buses which were not delivered in the 1971-72 school year.[45/]

4. The major cost of desegregation is the initial capital outlay for new buses. This cost can be handled by school authori-

ties in several ways. If the money is spent all in one year, it represents assets that are carried over a number of years. However, if the district borrows money for new buses, the actual cost is carried over the duration of the loan and does not constitute a one-time expense.

School officials in some districts have publicly claimed enormous expenditures for new buses. While this may sometimes be true, it may also be that some of the buses were already budgeted, that some buses are needed for non-desegregation purposes, or that some buses paid for in one year are not delivered until the following year.

5. In some instances, the number of students bused may vary depending on the management practices in various school districts. A Hillsborough County, Fla. school official commented to an LDF staff member that his school district transported 10,000 more children with 100 fewer buses than the Charlotte-Mecklenburg, N.C. district did.[46/]

6. The Norfolk, Va. public schools had not subsidized bus transportation prior to desegregation. When the school district was ordered to desegregate its schools, the school board and the city council refused to purchase buses to get children to their assigned schools. The 15,000 children who ride a bus to get to school must pay $63 per student per year, a financial

burden which families have had to bear. Yet, if Norfolk operated its own bus fleet, it would cost less than half that much, or $26.17 (the Virginia cost per pupil for cities),[47] to transport students. Furthermore, if Norfolk were to operate its own buses, it would be eligible for 47% of its operating costs from the state.[48]

The U.S. Court of Appeals for the Fourth Circuit on March 7, 1972, ordered the Norfolk school board to provide free transportation as a part of its desegregation plan on the grounds that without transportation to the assigned school, the whole desegregation plan is a "futile gesture" and a "cruel hoax." The Court recognized that the cost of transportation would be a burden, but held that $3 million capital outlay for buses and maintenance could be amortized over the normal life of the equipment and that the $600,000 increase in annual operating costs was reasonable in a district with a total school budget of $35 million.[49]

7. The decision of this Administration to prohibit the use of ESAP funds for any transportation costs created severe problems in a number of school districts. Dr. Elbert Brooks testified before Congress that at a meeting with southern school superintendents in Atlanta in July, 1971, he and other superintendents were led to believe by HEW officials that their requests

for help to pay busing costs would be honored by HEW. But in August, after President Nixon's announcement, HEW refused to fund any of the requests.[50] Dr. Brooks, as well as other southern school superintendents, felt betrayed.

8. In other cases, it was not only the President, but also local municipal authorities who prohibited the use of public funds to buy school buses to meet the requirements of the court's order. The Nashville Metropolitan Council refused to approve new buses for desegregation, and as a result schools are operating on staggered hours, some extra curricular activities have been curtailed and students and parents have been inconvenienced. Despite all these problems, Dr. Brooks reported that "the regular program should not be hurt."[51]

9. In some instances, school districts may spend extra money for transportation in order to provide conveniences for students. North Carolina only reimburses local districts for "mixed" buses, i.e., buses which carry elementary, junior and senior high school students at the same time. Winston-Salem-Forsyth County, however, has had a practice for several years of taking elementary students home in the afternoon before junior and senior high schools are let out for the day. Thus, the local board must pay for the costs of transporting these elementary students from local funds.[52]

10. Some districts pay busing costs out of local funds because they undertake supplementary costs which are not state reimbursed. For example, in 1971-72 Winston-Salem-Forsyth County decided to hire adult bus drivers for the first time. They pay each adult driver $80 a month more than state reimbursement. The district projected in September that it would cost them about $150,000 this year for this driver-salary supplement.[53/]

11. Inflation has caused increases in busing costs. In North Carolina, for example, state reimbursement for bus driver salaries has gone up considerably in the past few years after bus drivers came under the minimum wage laws. Salaries for mechanics have shown a sharp upward trend recently in North Carolina, as have the costs of parts and gas.[54/]

12. Two North Carolina school systems - Greensboro and Asheville - desegregated their schools at no additional expense to local districts. In Greensboro, the additional busing of 6,000 students in 1971-72 was accomplished by the city's existing fleet, by county buses already utilized by the city to transport some city children, and by the borrowing of 86 buses owned by the county and maintained by the state. In Asheville, no local money was spent to bus over 2,000 children to accomplish desegregation because all transportation is done by private bus companies which are reimbursed by the state.[55/]

CHAPTER VI

"Curb busing while expanding educational opportunity"

1. School officials see busing and expanding educational opportunities as complementary and not contradictory objectives. Their views are directly contrary to those of the President who sees busing as a "symbol of social engineering on the basis of abstractions."[56] School districts throughout the country use their transportation systems to promote a variety of educational and social goals including school consolidation, improved vocational education programs, broadened horizons for their children through field trips, and expanded summer programs and pre-school education. No one, to our knowledge, has ever held out these objectives as "social engineering."

As Donald E. Morrison of NEA has testified:

> School systems have not hesitated to bus children to vocational education programs and special education programs concentrated in particular geographical areas. School children are regularly bused on field trips serving some educational purpose. In some school districts, such as Cleveland's Shaker Heights, children have been bused home for lunch to give teachers duty-free time.[57]

2. Educators have supported school busing to promote educational opportunity. The Council of Chief State School Officers in November 1971, stated:

> Although transportation of students as a method of achieving desegregation has become a highly

> controversial issue throughout the nation, the members of the Council of Chief State School Officers believe it is a viable means of achieving equal educational opportunity and should be supported.[58]

3. Transportation is still a relatively modest percentage of all educational expenditures. (See discussion in Chapter V.) Even if the nation were to re-allocate for compensatory education all funds currently allocated to pupil transportation, including those which subsidize affluent, middle-class children attending suburban schools which have never been involved in integration, we would have little more than is currently in the budget for Title I. This program has yet to prove its effectiveness in raising the levels of academic achievement of educationally disadvantaged children.

4. The effect of transportation for desegregation on the regular education program has varied from district to district. In Pinellas County, Fla. desegregation resulted in a decrease in extra-curricular activities but not an increase in the number of pupils bused.[59] But in Roanoke, Va. school authorities report that because of the new buses required for the desegregation plan, the district can now "do more in a central location than could formerly be done in separate places." Roanoke operates five educational centers for elementary school children, including an oceanography center and a Japanese garden exhibiting the culture of the Far East. Students are bused to these centers as part

of their regular program. The cost of duplicating such centers in each elementary school would prohibit the use of such educational innovations.[60/]

Finally, Lynchburg, Va. school authorities report a 3.5% increase in school attendance this year over last year. This is the first year that the city has transported students to school, and officials say the only factor to which they can attribute improved attendance is busing.

CHAPTER VII

"The school bus...has become
a symbol of helplessness,
frustration and outrage - of
a wrenching of children away
from their families...."

1. If this sentiment represented the prevailing attitude, school systems and local taxpayers would long ago have stopped busing. Many southern school districts have bused 70-100% of their students for years prior to desegregation.[61/]

Many school officials are obviously proud of their buses and pleased with the advantages which busing has brought. When interviewed by our representative, a Roanoke, Va. official observed that busing has meant "better control, better schedules, and happier kids."[62/]

Of the students who were bused prior to desegregation, 98% in Winston-Salem-Forsyth County, N.C. and over 90% in Greensboro, N.C. were white.[63/] Did the citizens of those communities see the school bus as an outrage? We doubt it.

2. A Hillsborough County, Fla. school official, noting apparently for the first time that the complete desegregation of the school system might require a one percent increase in total expenditures, mused aloud that, "maybe it isn't so bad after all; maybe it is really worthwhile!"[64/]

3. It is true that reports of problems with discipline

and with vandalism involving buses have increased. Whether this is a concomitant to integration is a mixed picture. Some incidents have involved persons of the same race. Tensions which occurred on newly integrated buses have sometimes subsided. Some problems seem to be the result of having young, inexperienced and untrained drivers, many of whom are students themselves. Where districts have employed drivers of a different race from the majority of pupils, especially white drivers for all-black busloads, they have invited trouble.

As the bus has become politicized, it has become the symbol of racial divisiveness. Buses have been turned over and burned by irate white parents. White hostility against integration has been directed against the bus. However, some officials whom we interviewed believe that the current problems have little to do with race. They are convinced that parents lack confidence in public schools, that the bus as a symbol of the educational establishment is an easy target, and that those who commit acts of vandalism are merely reflecting the prevailing disenchantment with public education.

In view of this problem, citizens have urged the employment of monitors and the training of bus drivers. Norfolk, Va. sought ESAP funds for monitors and was turned down by HEW officials who referred to President Nixon's veto of the use of ESAP funds

for any purposes related to transportation. As a direct consequence of the President's decision, the Norfolk school board decided to use city police on the buses for the first month of school.

CHAPTER VIII

"Excessive transportation of
students creates serious risks
to their health and safety....

"The risks and harms created by
excessive transportation are
particularly great for children
enrolled in the first six grades."

1. One of the most emotional appeals against busing is that riding a school bus risks the health and safety of children, especially those in the first six grades of school. National safety statistics refute this contention.

Data on student accident rates from the National Safety Council reveal that it is safer to ride a bus to school than to walk. The accident rate for boys riding a school bus is .03 per 100,000 student days compared with .09 for walking. For girl students the accident rate is similar - .03 when riding a bus and .07 when walking to school.[66/] These rates for the 1968-69 school year are based on the reports of more than 35,000 school jurisdiction accidents, that is all types of accidents during a school day. The National Safety Council warns that since reporting is voluntary, the figures may not be representative of the national accident picture. But the figures do show that of school accidents reported, risks to student safety on a bus were much lower than risks to students in other school activities, such as sports and classroom instruction.

NATIONAL SAFETY COUNCIL, ACCIDENT FACTS, 90-91, (1971 EDITION.)

Boys - Student Accident Rates by School Grade[1/]

Location and Type	Total	Kgn.	1-3 Gr.	4-6 Gr.	7-9 Gr.	10-12 Gr.	Days Lost per Inj.
Going to and from school (MV)	.19	.40	.22	.13	.20	.15	3.56
School bus	.03	.04	.02	.02	.06	.02	1.24
Public carrier (incl. bus)	.01	.02	.01	.01	.01	.02	3.57
Motor scooter	.01	0	0	*	.02	.02	2.42
Other mot. veh.-pedestrian	.09	.33	.16	.08	.04	.02	4.53
Other mot. veh.-bicycle	.02	0	.02	.02	.03	*	3.34
Other mot. veh.-other type	.03	0	.01	.01	.04	.06	3.01

Girls - Student Accident Rates by School Grade[1/]

Going to and from school (MV)	.14	.29	.13	.08	.14	.19	8.26
School bus	.03	.01	.01	.03	.04	.02	2.01
Public carrier (incl. bus)	.01	.02	0	*	.01	.02	4.31
Motor scooter	.01	.01	*	*	.01	.02	1.83
Other mot. veh.-pedestrian	.07	.23	.10	.04	.06	.04	14.14
Other mot. veh.-bicycle	*	0	.01	*	.01	0	4.50
Other mot. veh.-other type	.03	.01	.01	.01	.02	.10	1.95

1/ The figures in the tables are rates which show the number of accidents per 100,000 student days.

*Less than 0.005

The risks to health and safety are presumed by the President to be even greater for younger children, those in the first six grades. This unsupported assumption has risen to the status of a "finding" set forth in the President's legislation establishing national standards for equal educational opportunity, yet the chart on the previous page demonstrates that accident rates on school buses for boys and girls in grades 1 through 6 are slightly lower than the total accident rate for all ages for both sexes.

2. Any discussion of safety must recognize that without adequate vehicles to transport children to school, students may be subjected to unwarranted hazards. Dr. Elbert Brooks, the Director of the Nashville Metropolitan schools, testified before the Senate Select Committee on Equal Educational Opportunity that because the school board had been unable to purchase the necessary number of buses some children left home and returned home in the darkness of winter days and that some buses made trips on an inter-state highway to shorten the trip. Dr. Brooks felt that such practices did create risks, but that such risks were directly due to the fact that both the Nashville City Council and the President of the United States had made it impossible for the school board to purchase enough buses to eliminate these potential hazards.[67/]

3. School officials are not unmindful of potential risks to children who walk to the nearest school, but who must cross busy streets, walk down roads with no sidewalks, and traverse railroad tracks in order to get to their neighborhood school. In such instances, local school systems often provide transportation for these students even though they would not otherwise be eligible for busing. For example, Roanoke, Va. this school year purchased 20 new yellow school buses in order to comply with their desegregation order. These were the first large passenger buses to be operated by the district itself. The new vehicles permitted the school system not only to bus children to desegregagated schools, but also to bus kindergarten children who last year had to walk unsafe streets to get to class.[68/]

4. In the state of Florida during this school year, 66,115 children who are ineligible for state-reimbursed transportation because they live within walking distance of their school, are nonetheless bused to school. School officials report that this busing was done at local expense, that it was done mostly for safety reasons, and that the vast majority of these children are in the elementary grades.

The following chart [69/] shows, for five Florida school districts, the number of students who were ineligible for state-reimbursed transportation but who were bused primarily for reasons

of safety or convenience. Again, the majority of these children are in the elementary grades.

District	1968-69	1969-70	1970-71	1971-72
Duval	3,397	3,030	3,630	5,764
Hillsborough	1,879	3,211	5,408	3,565
Pinellas	2,701	3,194	2,142	729
Manatee	613	504	748	822
Orange	3,767	4,635	6,347	7,834

Apparently, it is the judgment of local educational officials that busing elementary school students is not a risk to their health or safety. Indeed, such busing is deemed a protection of young children.

CHAPTER IX

"A remedy for the historic evil of racial discrimination has often created a new evil of disrupting communities and imposing hardships on children...."

Who has disrupted communities, imposed hardships, and torn us apart as a people?

It is not the Federal judges who have exercised judicial restraint.

It is not black citizens who are still trying to secure equal educational opportunities for their children.

It is not the school bus.

It is the present Administration which has used the power and majesty and authority of the President's office to stir dissension, confusion, and uncertainty among us by politicizing the busing issue.

HILLSBOROUGH COUNTY, FLORIDA - A PROFILE

Florida is a state of metropolitan school districts. Every city in Florida, no matter how large, is part of the county school system in which it is located. Cities like Miami and Jacksonville are located in county school systems which also have rural areas, many municipalities, and burgeoning suburbs. In spite of the state's size and population, it has only 67 school districts.

Hillsborough County, which includes Tampa, is a sprawling metropolitan area, composed of diverse racial and ethnic groups. About 20% of its 500,000 citizens are black and nearly 20% are Spanish-speaking. Within its 10,034 square miles are some four municipalities which range in population from 5,500 to almost 40,000. There are also many unincorporated, but heavily populated areas in this county. Like many metropolitan areas in Florida, significant population growth has occurred in the county, but little of that growth has occurred in Tampa itself. The county has experienced an increase in population from 398,000 in 1960 to nearly 500,000 in 1970, while the Tampa population during that same period grew from 275,000 to 278,000 persons.

Hillsborough County also has a very large, metropolitan

school system with about 103,000 students (about 20% black) attending 129 schools. During the 1969-70 school year, the dual system was still intact. Freedom of choice had produced only some token desegregation in a few formerly white schools. In 1970-71, many other formerly white schools became desegregated for the first time as a result of a Federal Court order.

In the spring of 1971, black plaintiffs filed a Swann motion with the U. S. District Court asking that the Hillsborough County schools be desegregated. Accordingly, the Court directed the board to devise an appropriate school desegregation plan. The plan adopted by the board and approved by the Court called for each school in the system to be about 80% white and 20% black. The plan, which had the approval of the superintendent, the school board, the Chamber of Commerce, civic groups and the press, was a combination of pairing, clustering and non-contiguous zoning. The clusters were composed of one formerly black school and a few formerly white schools, with the black schools becoming middle-grade centers and the white schools serving grades 1-5. Thus, white students now attend formerly black schools in grades 6-7 only, while black students attend formerly white schools for 10 of their 12 school years.

Some resistance to this plan existed prior to the opening of the current school year. A significant portion of the resistance

was in the black community. There were threats of demonstrations by blacks at the two formerly black high schools. The Court-ordered Bi-Racial Advisory Committee, which reflected the sentiment in the black community, told the Court that the plan "essentially establishes a 'community school concept' for white students.... The plan's undue effort to minimize white flight serves to maximize black busing." The elimination of the two black high schools, the Advisory Committee said, "...deals a punitive blow to the black community and by so doing...is inconsistent with the short or long range harmony between the races desired and needed to implement school desegregation in the community at large." Some white citizens attempted to thwart the Court's order, but no major organizations opposed the plan or caused disruptions in the schools.

In 1969-70, 164 buses were bused to transport more than 27,600 students over 15,200 miles daily. In 1970-71, 179 buses transported some 32,400 students more than 15,700 miles, an increase of about 5,000 students.

Just before the Court approved the current desegregation plan last summer, the board projected that the proposed plan would require the additional transportation of about 15,700 elementary, 7,400 junior high and 2,200 senior high school students, a total of 25,300. The projection was close; 25,200 students

are bused this year for the purpose of desegregation. However, 1,800 fewer elementary students are bused than projected. Of the 14,000 elementary pupils who are bused, 8,600 are black and 5,400 are white. The total number of secondary students of both races who are bused is 11,300: 8,500 in junior and almost 2,800 in senior high schools.

Transportation statistics for the 1971-72 school year in Hillsborough County reflect the increased busing necessary to implement the desegregation plan.

1. The number of buses used increased from 179 to 339, including 29 spares.
2. There are 907 separate bus trips daily this year compared with 461 last year.
3. Students were transported to 84 schools last year and 126 this year.
4. The number of elementary students bused increased from 10,600 to 22,500; junior high school students increased from 8,800 to 16,200; and senior high school students from 7,500 to 10,400.
5. Buses traveled 6,000 more "essential miles"* this year.

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* "Essential mile" is a state department term meaning the number of miles a bus travels with one or more students.

6. Total mileage has increased from 15,750 per day to 32,300 miles per day.

Two schools in the county operate on double sessions. Two separate administrative units operate within the same facility each day. The morning session has a different principal and faculty than the afternoon session. This year double sessions necessitate an additional $18,000 in bus drivers' salaries and about 5,200 "non-essential miles".** Double sessions result in less efficient use of buses. Since only students in particular grade levels are picked up, buses must travel further to obtain a full load and they must travel more miles empty.

Other non-essential costs have increased this year because the state computes mileage from the time a bus begins its route at the driver's house until it stops at the garage after dropping off the last student. Also, the district has had difficulty in finding bus drivers who live close to the beginning of their routes.

During the 1970-71 school year, Hillsborough County spent $1,206,708 for transportation, or about $37.23 per pupil bused. This cost represented approximately 1.3% of the district's total budget. Out of a total budget of almost $120 million this year,

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** "Non-essential miles" is a state department term indicating the miles a bus travels without students, or miles a bus travels off the main bus route if that detour is 1.5 miles or less one way.

the school district is spending about $1,973,728 or 1.7%, for transportation. The cost per pupil bused is $37.38.

The purchase of new buses has been a significant factor in the increase in transportation costs this year. One hundred and forty-five regular buses were bought, of which 20 had already been budgeted. One million dollars was borrowed on a four-year loan to pay for the new buses.

The Florida State Department of Education recommends that school buses be replaced every ten years, yet in 1961, 1963, 1964, 1965 and 1966, Hillsborough County purchased no new buses. As a result of this delay in bus replacement, 71 buses are now 11 or more years old, and 29 buses purchased in 1957 and 1958 are now used as spares. If buses had been replaced on a regular basis, Hillsborough County's bus fleet might have more easily accommodated the increased student transportation and 29 old buses would not have had to be utilized.

This year's total anticipated educational expenditures of over $119 million are a considerable increase over 1970-71 when somewhat more than $89 million was spent. What is most interesting to note, however, is the substantial increase in the allocation for capital improvements and debt service:

	1970-71	1971-72 (est.)
Capital Improvements	$12,034,617	$32,847,393
Debt Service	2,838,883	7,741,681

The investment in new buses represents a small percentage indeed of the total capital outlay for Hillsborough County.

Despite the substantial increase in busing in Hillsborough County and the reassignment of students to new schools, the citizens of the metropolitan area, black and white alike, have accommodated to the change brought by conversion to a unitary, non-racial school system. School officials have taken steps to ease the transition. Specialists have been employed with ESAP funds to work in each secondary school in the county. Bi-racial student advisory committees have been established at each secondary school, and together with the specialists, have helped to moderate inter-racial antagonisms. Facilities at the formerly black schools have been improved. Air conditioning was installed and needed supplies were increased, thus reducing parent complaints. While many black students have resented losing their identity with their old high schools, they have increasingly participated in extra-curricular activities and sports at their new schools. Buses have been provided to transport students home after regular school hours.

In the first week after school opened in the Fall of 1971, many white parents did not send their children to school, and others drove their children to schol and picked them up in the

afternoon because of fear of disruptions at formerly black schools. But the disruptions failed to materialize, and after several weeks white children began riding buses to school. Approximately 2,000 white students left the public schools this year. The fact that there was no greater amount of "white flight" was due to the fact that the private schools in the county resisted expanding their enrollment for students who sought to avoid desegregation. Superintendent Raymond Shelton has noted a trend of white students returning to public schools.***

Hillsborough County is an example of what can be accomplished when a metropolitan-wide desegregation plan becomes the vehicle for securing the constitutional rights of black children. Most encouraging, however, is that the plan is not only working but that at least one school official believes that, "maybe it isn't so bad after all; maybe it is really worthwhile!"64/

***Testimony of Chairman Theodore Hesburgh, U.S. Commission on Civil Rights before Subcommittee No. 5 of the House Committee on Judiciary, 6-15 (March 1, 1972).

NORTH CAROLINA - A PROFILE

North Carolina has several large, urban school districts and is unique because it is the only state in the South that has completely desegregated its city school systems. In the past four years, pupil transportation has increased by 10% in the state, from 55% of North Carolina's enrollment to 65%. Yet only a small portion of that increase can be attributed to desegregation of the urban areas.

In 1968-69 no school districts, including those mentioned in this report, had desegregated school systems. During that year over 9,200 school buses transported nearly 611,000 students (almost 55% of all students in the state) at an annual cost of over $14.2 million, which included the cost of purchasing bus replacements. Over 352,000 miles were traveled in that year at a cost of $23.40 per pupil.

In 1969-70 most North Carolina school systems were still segregated, including all of the large, urban school districts. In that year, over 9,400 vehicles transported nearly 630,000 students (over 57% of all the students in the state) at a cost of over $19.1 million, which included the cost of bus replacements. Over 357,500 miles were traveled at a cost of $30.39 per pupil. During this year about 15,000 special education students became

eligible, for the first time, for state reimbursed transportation costs.

In 1970-71 Charlotte-Mecklenburg became the first urban district in the state to approach the elimination of the dual school system. There were other isolated cases where urban districts made beginning steps as, for example, Winston-Salem-Forsyth. Other urban districts remained almost totally segregated, such as Raleigh and Greensboro.

During 1970-71 nearly 10,000 vehicles were used to transport over 683,400 students (62% of all students in the state) at a cost of over $21.3 million, including bus replacement. 375,370 miles were traveled that year with a per pupil cost of $31.21. Significantly, this was the year when Sparrow v. Gill became effective.

By 1971-72 nearly all school districts in the state had made major steps in achieving unitary school systems. During this year 10,400 vehicles have transported about 717,000 students (nearly 65% of all pupils in the state).

As the above figures indicate, there has been a constant increase during each school year (before and after desegregation) in the number of vehicles, the cost of operations, the number of miles traveled annually, the number of pupils transported and the percent of pupils transported. Some items increased at a

faster rate than others.

The Sparrow decision resulted in approximately 54,000 additional students (requiring 589 additional buses) becoming eligible for transportation. In the school year prior to 1968-69, about 5,000 additional students became eligible for transportation each year due to normal student population growth. A state transportation official believes that approximately the same pattern has existed for each school year since 1968-69.

Based upon our interviews with state officials and upon our examination of their files and documents, we conclude that of the approximately 106,200 students now transported who were not transported in 1968-69 that:

Sparrow	resulted in	54,000
Special education	accounted for	15,000
Growth (6,000 students per year x 3 years)	resulted in	18,000
Urban desegregation	caused	19,000
	TOTAL	106,000

Therefore, approximately 19,000 of the 717,000 students transported in 1971-72 in North Carolina represents a net increase in pupil transportation because of urban, court-ordered desegregation. Other desegregation steps have decreased transportation in the state.

FOOTNOTES

1. N. Mills, Busing: Who's Being Taken For A Ride, 7 (ERIC-IRCD Urban Disadvantaged Series No. 27, April, 1972).

2. Testimony of Theodore M. Hesburgh, Chairman, U.S. Commission on Civil Rights before Subcommittee No. 5 of the House Committee on the Judiciary, 16 (March 1, 1972).

3. HEW Memorandum, from Constantine Menges to Christopher Cross, 1 (March 30, 1972).

4. Supra, note 1, at 9.

5. U.S. Department of Transportation, Report on School Busing, 1 (March 24, 1972).

6. Supra, note 1, at 7.

7. Id. at 12-13.

8. Interview with Harlan C. McNeil, Supervisor, Department of Transportation, Lynchburg Public Schools, April 6, 1972.

9. U.S. Office of Education, Elementary and Secondary Education Act of 1965 as Amended, Title I, Assistance for Educationally Deprived Children, Expenditures for Pupil Transportation Services, Fiscal Year 1968.

10. Bradley v. The School Board of the City of Richmond, Va., C.A. No. 3353, __ F. Supp. __ (E.D. Va., Jan. 5, 1972) Slip Op. at 237.

11. Swann v. Charlotte-Mecklenburg, No. 1974, __ F. Supp. __ (W.D. N.C., October 21, 1971) Slip Op. 6.

12. Congressional Record, February 28, 1970, S2652-2653.

13. Swann v. Charlotte-Mecklenburg Board of Education, (W.D. N. Car. Civ. A. No. 1974; unreported supplementary Findings of Fact, March 21, 1970. See Petitioner's Appendix to Petition for Writ of Certiorari, U.S. Sup. Ct. Oct. Term 1969, No. 1713, p. 142a.)

14. Testimony of Stephen Horn, Vice Chairman, U.S. Commission on Civil Rights, before the Committee on Education and Labor, House of Representatives, 5 (April 11, 1972).

15. Winston-Salem-Forsyth County Public Schools, Principal's Monthly Bus Report, March, 1971.

16. Hearings Before the Select Committee on Equal Educational Opportunity of the U.S. Senate, 92nd Cong., 1st. Sess., Part 18-Pupil Transportation Costs, 9017 (October 6, 1971).

17. Memphis Commercial Appeal, Jan. 30, 1972.

18. Speech by C. A. Hunsinger, member, Pinellas County Board of Education, A Chronology of Pinellas County School Desegregation, March, 1972.

19. Memorandum from W. P. Patterson, Director of Transportation, Hillsborough County Board of Education to Wayne Hull, Assistant Superintendent for Business, October 15, 1971.

20. Interview with D. C. Windham, Transportation Supervisor, Jackson Public Schools, April 10, 1972.

21. Interview with Mrs. Vivian Mason, member Norfolk City Board of Education, January 24, 1972.

22. Remarks of Superintendent W. B. Thompson, Greenville Municipal Separate School District, Board of Education Meeting, August, 1971.

23. Interview with Superintendent Cecil Hardesty and Joseph J. Smith, Director of Finance, Duval County Board of Education, Jan. 17, 1972 and April 4, 1972.

24. Statement of Donald E. Morrison, President, National Education Association before Subcommittee No. 5 of the House Committee on Judiciary, 8 (March 2, 1972).

25. Supra, note 3, at 3.

26. Id. at 2.

27. Supra, note 5.

28. Figures supplied by local and state officials.

29. Interview with Dr. John McLaulin, Assistant Superintendent for Research and Planning, Norfolk Public Schools, January 28, 1972. Annual Report of the Superintendent of Public Instruction of the Commonwealth of Virginia, 110 (Dec. 1971).

30. Florida Department of Education, Mid Year Transportation Report, 5 (May, 1969); interviews with Department of Education officials, April 4 and 17, 1972; interviews with school officials in Pinellas County and Hillsborough County, April 5, 1972.

31. Interview with Richard Via, Director, Building and Grounds, Roanoke Public Schools, April 6, 1972.

32. Interview with Wayne Hull, Assistant Superintendent for Business, Hillsborough County Board of Education, Jan. 27, 1972.

33. Interview with Clifton Jones, Assistant Coordinator for Pupil Transportation, Orange County Board of Education, April 7, 1972.

34. Sparrow v. Gill, 304 F. Supp. 86 (M.D. N.C. 1969).

35. North Carolina Department of Public Instruction, Division of Transportation, Status of School Transportation Within Municipal Corporate Limits, (Sept. 3, 1969.)

36. Interview with Rene Couleman, Supervisor of Transportation, Arlington County Public Schools, March 29, 1972.

37. Figures supplied by Florida Department of Education, Transportation Section.

38. Id.

39. Supra, note 14, at 6.

40. Reports of Advisory Study Groups, Public Elementary and Secondary Education and Junior Colleges To The Legislative Education Study Committee, Vol. 1 (December, 1961); Mississippi State Department of Education, Division of Administration and Finance, Statistical Reports 1961-62 through 1970-71; R. Barber, Mississippi School Busing, April, 1972.

41. Figures supplied by Florida Department of Education Transportation Section and Finance Department.

42. Interview with officials of Transportation Division, North Carolina Department of Public Instruction, March 27, 1972.

43. Supra, note 37. Interviews with Pinellas County school officials, April 15, 1972.

44. Raleigh City Board of Education, Estimated Raleigh Public School Budget - 1971-72; Cost Estimates To Increase Raleigh City Schools' Bus Fleet to One Hundred Fifty Nine Buses.

45. Figures supplied by Raleigh Public School officials.

46. Interview with W.P. Patterson, Director of Transportation, Hillsborough County Board of Education, April 5, 1972.

47. Annual Report of the Superintendent of Public Instruction of the Commonwealth of Virginia, 125 (Dec. 1971).

48. Brewer v. School Board of the City of Norfolk, Nos. 71-1900 and 71-1901, __ F.2d __ (4th Cir., March 7, 1972), Slip Op. 3.

49. Id. at 8-9.

50. Supra, note 16, at 9016-9017.

51. Id. at 9022.

52. Interview with Morris Hastings, Transportation Director, Winston-Salem-Forsyth Board of Education, March 30, 1972.

53. Id.

54. Supra, note 42.

55. Interview with R. S. Walthal, Director of Transportation, Greensboro Board of Education, March 30, 1972.

56. The President's Message to Congress, 4 (March 17, 1972).

57. Supra, note 24, at 9.

58. Council of Chief State School Officers, Policies and Resolutions (November 17, 1971).

59. Interview with Superintendent N. G. Mangum and Assistant Superintendent Mathew Stewart, Pinellas County Board of Education, April 5, 1972.

60. Supra, note 31.

61. Supra, note 12.

62. Supra, note 31.

63. Principal's Annual Bus Report, June 29, 1970; Simkins v. Greensboro Board of Education, C. N. C-34-G-70, Answers to Interrogatories, September 10, 1970. Annual Pupil Transportation Report 1969-70; Scott v. Winston-Salem-Forsyth County Board of Education, C. N. C-174-WS-68, Answers to Interrogatories, December 19, 1969.

64. Supra, note 32.

65. Interview with Dr. John McLaulin, Assistant Superintendent for Research and Planning, Norfolk Public Schools, January 28, 1972.

66. National Safety Council, Accident Facts, 90-91 (1971 Edition).

67. Supra, note 16, at 9018-9019.

68. Supra, note 31.

69. Florida Department of Education, Mid-Year Transportation Reports for 1968-69, 1969-70, 1970-71. Interview with officials of Transportation Section, Florida Department of Education, April 17, 1972.

BUSING COSTS 1953-54 THROUGH 1967-68

	Total No. Trans. U.S.	% of Enroll.	Av. Cost Per Pupil	Trans. as % of Total Educ. Expend.
1953-54	8,411,719	32.8%	$36.55	4.5%
1955-56	9,695,819	35%	$36.51	4.3%
1957-58	10,861,689	36.5%	$38.34	4.1%
1959-60	12,225,142	37.6%	$39.78	3.9%
1961-62	13,222,667	38.1%	$43.59	3.9%
1963-64	14,475,778	38.7%	$46.53	3.9%
1965-66	15,536,567	39.7%	$50.68	3.7%
1967-68	17,130,873	42.0%	$57.27	3.7%

Source: U.S. Office of Education, National Center for Educational Statistics

PUPIL TRANSPORTATION BY REGION

REGION	1953-54	1955-56	1957-58	1959-60	1961-62	1963-64	1965-66	1967-68
Northeast								
No. Trans.	1,396,518	1,786,231	2,386,339	2,759,515	3,093,701	3,533,950	NA	4,487,990
% of Total	25.2%	30.1%	34.4%	36.9%	38.5%	40.6%		47%
North Central								
No. Trans.	2,140,803	2,157,035	2,807,469	3,138,674	3,441,681	3,914,131		4,863,556
% of Total	29.5%	31.3%	33.4%	34.8%	35.9%	37.7%		42.7%
South								
No. Trans.	3,895,400	4,205,068	3,730,215	3,990,808	4,254,184	4,459,630		4,855,105
% of Total	43.2%	43.6%	50.6%	50.6%	51.2%	50.7%		52.5%
West								
No. Trans.	978,998	1,247,485	1,932,666	2,296,145	2,427,901	2,568,067		2,924,222
% of Total	25.5%	29%	27.6%	28.8%	27.8%	27%		27.5%

Source: U.S. Office of Education, National Center for Educational Statistics

INCREASE IN PUPIL TRANSPORTATION IN SCHOOL DISTRICTS DUE TO DESEGREGATION COURT ORDERS

District	Total Enroll. Prior Court Order	Total Bused in Dist. Prior Court Order	% of Enroll. Bused in District	Total Enroll. After Court Order	Total Bused After Court Order	% of Enroll. Bused after Court Order	% Public Enroll. Transported State-Wide
Arlington	24,390 2/	9,532	39.0%	23,133 3/	8,588	37.0%	63.0%
Asheville	8,381 1/	None	None	8,241 2/	2,170	26.3%	62.2%
Charlotte	84,518 1/	29,737	35.1%	82,507 2/	39,080	47.3%	62.2%
Duval	122,493 2/	38,750	31.6%	118,217 3/	44,706	37.8%	NA
Greensboro	31,901 2/	10,781	33.8%	30,105 3/	16,689	55.4%	65.0%
Hillsborough	105,347 2/	32,406	30.8%	102,728 3/	52,795	51.4%	NA
Jackson	30,937 2/	2,127	7.0%	29,031 3/	7,300	25.0%	58.7%
Lynchburg	11,590 2/	None	None	11,700 3/	4,478	38.0%	63.0%
Manatee	16,923 1/	6,628	39.2%	17,386 2/	8,287	47.7%	NA
Nashville	94,170 2/	34,000	36.0%	87,000 3/	49,000	56.0%	49.0%
Norfolk	59,429 1/	7,500	12.6%	50,791 3/	15,000	29.5%	63.0%
Orange	85,270 2/	32,964	38.7%	86,705 3/	35,713	41.2%	NA
Pinellas	85,117 2/	36,588	43.0%	86,880 3/	36,888	42.5%	NA
Raleigh	23,469 2/	1,342	5.7%	22,236 3/	10,126	45.5%	65.0%
Richmond	47,988 2/	13,916 4/	29.0%	44,989 3/	17,563	39.0%	63.0%
Roanoke	19,284 2/	2,150	11.1%	18,294 3/	4,665	25.5%	63.0%
Winston-Salem	50,462 1/	18,444	36.5%	50,070 3/	32,220	64.3%	65.0%

1/ 1969-70 school year
2/ 1970-71 school year
3/ 1971-72 school year

4/ Of the total of 13,916 8,500 rode Virginia Transit Co. buses and 5,416 rode school district-owned buses.

COST OF STUDENT TRANSPORTATION IN INDIVIDUAL SCHOOL DISTRICTS WHERE DESEGREGATION OCCURRED
(Operating Expenses[1])

District	Av. Cost Per Pupil Prior to Deseg.	Total Operating Cost for Trans. Prior to Deseg.	% Trans. Cost of Total Operating School Budget Prior to Deseg.	Av. Cost Per Pupil After Deseg.	Total Operating Costs for Trans. After Deseg.	% Trans. Cost of Total Operating School Budget After Deseg.
Arlington	$61.15	$ 709,300	2.8%	NA	NA	NA
Greensboro	NA	NA	NA	NA[2]	NA[2]	NA
Jackson	79.50	169,103	.6%	$56.17	$ 410,110	1.8%
Lynchburg	None	None	None	32.90	147,350	1.3%
Nashville	39.71	1,574,790	2.3%	49.00	2,704,228	3.8%
Norfolk	None	None	None	None	None	None
Orange	30.02	989,614	1.8%	30.58	1,092,175	1.9%
Raleigh	75.01	100,669[3]	.7%	24.69	250,061	1.7%
Richmond	32.31	175,000	.4%	28.46	500,000	1.1%
Roanoke	55.58	137,393	.8%	30.65[5]	207,699	1.1%
Winston-Salem	20.26	373,838	1.8%	30.67	988,454[4]	4%

continued

COST OF STUDENT TRANSPORTATION IN INDIVIDUAL
SCHOOL DISTRICTS WHERE DESEGREGATION OCCURRED
(Total Cost of Transportation)

District	Av. Cost Per Pupil Prior to Deseg.	Total Cost for Transp. Prior to Deseg.	% Transp. Cost of Total School Budget Prior to Deseg.	Av. Cost Per Pupil After Deseg.	Total Costs for Trans. After Deseg.	% Transp. Costs of Total Sch. Budget After Deseg.
Asheville[6]	None	None	None	$56.95	$ 123,598	NA
Charlotte	$15.97	$ 475,000	.8%	27.32	1,067,691	1.6%
Duval[6]	31.90	1,236,157	1.3%	48.91	2,186,590	2.2%
Hillsborough	37.23	1,206,708	1.35%	37.38	1,973,728	1.7%
Manatee	51.70	342,696	2.3%	46.39	384,468	2.5%
Pinellas	29.40	1,075,850	1.4%	55.38	2,042,970[7]	2.4%

1/ Some figures may include spare parts or minor capital outlays.

2/ No city school district money was spent. State expenditures are not available.

3/ This includes lunchroom and administrative salaries; thus transportation above is considerably less.

4/ About $269,300 is paid from local funds for supplements for bus drivers' salaries and for transporting elementary students who are not eligible for state reimbursement.

5/ For elementary students on school owned buses. $35.00 per student per year is spent for 900 elementary students on public buses contracted for by the district. This cost is based upon the number of routes. $63.00 per student per year is spent for 1,000 secondary students who cannot afford the student fare. The cost is based upon 35¢ per day per student times 180 school days.

6/ Asheville and Duval Counties own no buses but contract with a private carrier for all transportation.

7/ Includes leasing of 18 private buses.

1971-72 BUSES PURCHASED AND TOTAL SCHOOL BUDGETS

DISTRICT	Number of Regular Buses Purchased	Total Cost of Buses	Total School Budget (All Monies)
Arlington	8	$ 56,000 (Est.)	NA
Asheville	None [2]	None [2]	NA
Charlotte	NA	$ 68,231 [1]	$ 67,252,036
Duval	None [2]	None [2]	$101,909,630
Greensboro	None	None	$ 23,971,934
Hillsborough	145 [3]	$1,160,000 [3]	$119,099,553
Jackson	69	$ 500,000 (Est.)	$ 23,084,121
Lynchburg	37	$ 272,387	$ 12,543,342
Manatee	19	NA	$ 15,298,905
Nashville	18 [4]	$ 315,000	$ 71,567,152
Norfolk	None	None	
Orange	None	None	$ 64,000,000
Pinellas	90	$ 794,237 [5]	$ 85,094,490
Raleigh	89	$ 534,993 [6]	$ 18,063,007

continued

1971-72 BUSES PURCHASED AND TOTAL SCHOOL BUDGETS

DISTRICT	Number of Regular Buses Purchased	Total Cost of Buses	Total School Budget (All Monies)
Richmond	115	$ 874,000	$ 60,000,000 (Est.)
Roanoke	16	$ 120,672	$ 18,157,764
Winston-Salem	59 (Est.)	$ 343,456 7/	$ 37,103,968

1/ About half of this amount was for "major replacements " and the other half represents purchase of new "buses, trucks, and garage equipment."

2/ Asheville and Duval County contract all pupil transportation so there is no capital outlay.

3/ 20 buses were already budgeted; $1 million was borrowed on a four year loan to purchase 125 buses.

4/ Already budgeted for replacement.

5/ Includes $341,300 which was for 40 buses already budgeted.

6/ Five buses already budgeted and delivered in 1971-72; 10 other buses purchased and delivered in 1971-72; 74 buses purchased but will not be delivered in 1971-72.

7/ Includes about 12 replacement buses purchased by the State.